

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SUPERIOR CONCRETE INC. and MAXWELL  
SNOW,

Plaintiffs,

v.

LOGISTICS GY EXPRESS INC. and RANDY  
WADE,

Defendants.

24-CV-5139 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

For the reasons stated in the Court's December 20, 2024 oral ruling, the motion for default judgment is denied, the certificate of default against Defendants is vacated, and this action is dismissed pursuant to Federal Rule of Civil Procedure 12(h)(3), albeit without prejudice to Plaintiffs seeking leave to file an amended complaint. If Plaintiffs seek such leave, they shall file a letter with the Court no later than January 21, 2025, attaching a proposed amended complaint and setting forth reasons why leave to amend should be granted.

The Clerk of Court is respectfully directed to terminate the motion pending at ECF No. 24 and to vacate the certificate of default entered at ECF No. 20.

SO ORDERED.

Dated: December 20, 2024  
New York, New York

A handwritten signature in blue ink, appearing to be 'Ronnie Abrams', written over a horizontal line.

Ronnie Abrams  
United States District Judge